

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 12-0482 PJH

v.

**ORDER RE: EXHIBITS**

CESAR IBARRA GONZALEZ,

Defendant.

\_\_\_\_\_ /

The court is in receipt of "Exhibit 1" in support of the government's opposition to defendant's motion to dismiss the indictment. The exhibit, which is not attached to a declaration or a request for judicial notice, fails to comply with the Federal Rules of Evidence, the court's standing order, and the local rules. The court refers government counsel to paragraph four of its standing order, which provides:

4. CONFORMITY WITH LOCAL RULES RE: EVIDENTIARY SUBMISSIONS

All motions and oppositions to motions shall comply with Crim. L.R. 47-2(b), which requires that motions "presenting issues of fact . . . be supported by affidavits or declarations which comply with the requirements of Civil L.R. 7-5." Civil L.R. 7-5, in turn, requires that "[f]actual contentions made in support of or in opposition to any motion must be supported by an affidavit or declaration and by appropriate references to the record." Moreover, ***other evidence in support of or in opposition to any motion "must be appropriately authenticated by an affidavit or declaration."***

1           The government is ordered to resubmit its exhibit in compliance with the above **no**  
2 **later than Wednesday, September 26, 2012 at 5:00 p.m.**

3 **IT IS SO ORDERED.**

4 Dated: September 25, 2012



7 \_\_\_\_\_  
PHYLLIS J. HAMILTON  
United States District Judge